

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of YVONNE E. FOUST and DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE, Atlanta, Ga.

*Docket No. 97-29; Submitted on the Record;
Issued October 2, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant has established that her disability from March 20 through April 15, 1996 is causally related to her December 19, 1994 employment injury.

The Board has duly reviewed the case record and finds that appellant has failed to establish any continuing disability causally related to her December 19, 1994 employment injury.

The facts in this case indicate that on December 19, 1994 appellant, then a 46-year-old clerk, sustained an employment-related lumbar strain. She stopped work that day, returned to regular duties on April 20, 1995 and received appropriate continuation of pay and compensation. On June 5, 1996 she submitted a Form CA-8, claim for compensation, for the period March 20 through April 15, 1996, alleging that pain in her left wrist, arm, back, shoulder and carpal tunnel syndrome kept her from working. In support of this claim she submitted a May 21, 1996 report from Dr. Barry Straus, a Board-certified anesthesiologist who practices pain management. Dr. Straus noted symptoms of pain in the left wrist and arm and diagnosed rule-out carpal tunnel syndrome versus repetitive stress disorder. He advised that appellant could return to work on April 15, 1996 with limited use of the left arm and wrist and indicated that nerve studies had not been done. By decision dated August 9, 1996, the Office of Workers' Compensation Programs denied appellant's claim for compensation for the period March 20 through April 15, 1996 on the grounds that the accepted condition was for a lumbar strain and the instant claim was for injury to the left hand. The instant appeal follows.

An individual who claims a recurrence of disability due to an accepted employment-related injury has the burden of establishing by the weight of the substantial, reliable and probative evidence that the recurrence of the disabling condition for which compensation is sought is causally related to the accepted employment injury.¹ This burden includes the

¹ Kevin J. McGrath, 42 ECAB 109 (1990); John E. Blount, 30 ECAB 1374 (1974).

necessity of furnishing evidence from a qualified physician who, on the basis of a complete and accurate factual and medical history, concludes that the condition is causally related to the employment injury and supports that conclusion with sound medical reasoning.² The mere fact that a disease manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two nor the belief of appellant that the condition was caused or aggravated by employment conditions is sufficient to establish causal relationship.

Causal relationship is a medical issue,³ and the medical evidence required to establish a causal relationship is rationalized medical evidence. Rationalized medical evidence is medical evidence which includes a physician's rationalized medical opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁴

In this case, the medical evidence is insufficient to establish that appellant sustained a recurrence of disability on March 20, 1996. While the record contains a medical report indicating that appellant had a left wrist condition, the accepted condition in this case is lumbar strain.⁵ Appellant, therefore, failed to establish that her disability from March 20 through April 15, 1996 is causally related to her December 19, 1994 employment injury.⁶

² *Frances B. Evans*, 32 ECAB 60 (1980).

³ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁴ *Gary L. Fowler*, 45 ECAB 365 (1994); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁵ The Board notes that appellant initially indicated that she hurt her left arm when she fell at work on December 20, 1994. The record, however, indicates that when examined on December 20, 1994, the date of injury, Dr. Olivia Bush diagnosed low back and knee pain. Subsequent medical reports contain no indication that appellant sustained a left wrist injury on December 20, 1994.

⁶ The Board notes that the decision herein does not preclude appellant from pursuing a separate claim for her left wrist condition.

The decision of the Office of Workers' Compensation Programs dated August 9, 1996 is hereby affirmed.

Dated, Washington, D.C.
October 2, 1998

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member